

Repudiation of the Wailes Claim Injures Florida—John L. Inglis

By Francis L. Huffaker.

This is a "little journey" to the hearts of men—honest men. It is not expected to appeal to men who are wilfully dishonest, to men who would sacrifice principle for political gain, or to the catspaws of such men. It is written, as stated, purely "for men only."

This "little journey" is not a plea for sympathy; it is not a request for charity—it is a plain, unvarnished demand for justice—justice for Sydney I. Wailes, to whom the state of Florida is indebted, and justice to Florida, the citizens of which are honest despite the continued injustice that has been and is being done this aged man.

Through the expenditure of thousands of dollars and years of service, Sydney I. Wailes secured for Florida from the national government the sum of \$1,089,000 in Indian war claims, for which he received nothing, although his efforts and his expenditures were almost solely responsible for the immense sum being secured. He also brought to Florida from the national government more than 16,000,000 acres of land, for which he received the insignificant sum of two cents an acre (payable in land, not money), while 25 cents an acre has since been paid for 25,000 acres which another man secured from Uncle Sam. These separate and distinct contracts have often been confounded in the successful efforts to defeat payment of the just debt. This refusal causes Florida to be scorned in the money markets of the nation, and the state will deserve the scorn just as long as the injustice continues.

There are honest men who believe the claim should not be paid. Why? Because they have been befuddled by those most responsible for the injustice—by men who hoped to gain politically by refusing to pay Col. Wailes after he had "delivered the goods." The subject is a big one, covering many years, and some "noddies" seem incapable of digesting these facts. That Sydney I. Wailes, under contract with Governor Drew and succeeding governors, brought to Florida from the national government more than a million dollars, which the state would not have secured except through his efforts; that he spent thousands of dollars in the mere getting of data for this work—expending money when Florida scrip was selling at 40 cents on the dollar—and that the validity of his contract was never once questioned until the money was in the state treasury, and how showed the "bold affront" to ask for his commission of 15 per cent. He was offered \$12,500 when he had spent nearly twice that sum in his efforts to collect the claim.

Since his first defeat during the Jennings administration, succeeding legislatures have turned the claim down, each time by a narrow margin, although not one just argument has been presented against the payment of the claim.

Not only have these legislatures refused to pay a just claim, but they have deliberately refused to allow the claimant to go into the courts—the state courts—in order to prove the validity of his claim.

Why should an honest legislator object to having this claim acted upon by the state's own protectors—the courts? Simply a question of politics—questionable politics.

Fearing that the claim might be paid, and that a bill may be passed giving Col. Wailes the privilege of bringing suit, those most responsible for the defeat of Col. Wailes, who lives in a hall bedroom while some of his "friends" live in pensions, begin systematic work before each legislative session, and continue that work throughout each session. Some of them are in Tallahassee now and have been since the opening day of the session. If the claim should be passed they would not be held responsible. Why, then, their continued opposition? Because it would be unpleasant to be shown to have treated one to whom the state is indebted, unfairly.

The best men of the state, including Governor Bloxham, General Bullock, George P. Raney, Sr., who are now dead; Hon. W. A. Blount, of Pensacola, regarded as one of the best lawyers of the entire country have declared that the claim is just, and fought for its payment. I present herewith the statement of another noble Floridian, who probably knows more about the claim than any man living today, and who is known and honored throughout the state as a man who has gained great wealth honestly, and who has always worked for the development of Florida. I refer to Capt. John L. Inglis, with whom I recently had the following conversation, and who has read and sanctioned the publication of the statements attributed to him.

Again, if you desire to do justice, read the following statement of Capt. Inglis. If not, forget it:

"Capt. Inglis, learning that you were, in 1876, the most active man in securing the nomination of Governor Drew, and afterward his closest friend and adviser, I would like to have you tell the people of the state why Governor Drew made a contract giving to S. I. Wailes such a large commission as 15 per cent for collecting Florida Indian war claims?"

Capt. Inglis said: "You are right. I know a good deal about that contract and the cause for making it. I am astonished, though, to hear you say 'big commission.' The state in her condition at that time could much better have agreed to pay 30 per cent than not to have had that work done."

"What were the facts found by Governor Drew when he went to Washington to examine into conditions there?"

"After his careful examination Governor Drew said: 'Old friend, you know the state of Florida has no money (her scrip then being worth only 40 cents on the dollar, and much less in some places) and until the evidence is secured to prove Florida's claim to what is due nothing can be done toward having it paid.' Governor Drew's investigation at that time

showed that Florida had borrowed \$132,000 on her coupon bonds, bearing 7 per cent interest, and every time a dollar was passed by any department of the national government for any money due the state of Florida, it was captured before it passed through the United States treasury and applied to wiping out the payment of that \$132,000. Governor Drew said the evidence could not be secured for the payments made, largely in 1856 and 1857, without great cost. 'The state has not the money to pay for that work,' he said, 'and I can't see where the money is coming from unless we issue more bonds. I am opposed to doing that. The evidence that was sent to Washington by the Florida state officials to Senator Yules, to be filed in the treasury, on which to base a claim, was lost, as Senator Yules had left Washington on the breaking out of the Civil war in 1861, and it is now impossible to trace the box of papers containing the payrolls and other evidence of payment by the state for the wars of 1856 and 1857.'

"What is best for me to do now?" asked Governor Drew. In this emergency Col. Wailes has offered to pay the expense of securing the evidence and prosecuting this case and pushing this claim for payment on a commission basis. I urged Governor Drew, if the cabinet thought it the proper thing to do when he got back to Florida, to make a contract with Wailes. If he didn't get anything, he was not to receive a penny, and the state would sustain no loss. If he did collect it, he was to receive only what all attorneys charge when they pay expenses—15 per cent. He (Drew) made the contract immediately after returning to Florida, with the approval of his cabinet, and he told me afterward that he believed Col. Wailes would succeed in making the collection. 'If he does make the collection,' said Governor Drew, 'no act of mine will do more for the state's benefit.'

"The action of Governor Drew in contracting with Col. Wailes was well known to the state and legislature by the message he sent to the legislature, telling of the contract. The legislature investigated the matter several times, and always, in spite of all the political bitterness of those times, confirmed Drew's action. Each governor, including Drew, Bloxham, Perry, Fleming, Mitchell and Bloxham in his second term, recognized that contract, and the work of getting the payment went on. Not a word was said until the money was actually paid into the state treasury (more than a million dollars) with reference to irregularity of contract."

"No one will deny that the state got the money. She has not paid one cent in expense to get it, but when the time came for the state to fulfill her part of the contract a caucus of the house of representatives offered to fulfill the state's part of that contract by offering to this aged man, who had spent thousands of dollars and more than twenty years service, the insignificant sum of \$12,500."

"Can any honest man hereafter think of the treatment given Col. Wailes by this state's officials and claim that this state is honest? No; not the state, but the officials who have brought about this clear repudiation."

"I for one, would feel mortified should the state continue to carry the brand of repudiation on account of a violation of a contract, under seal, after the acceptance of the money and placing it in her treasury, where it is outside of the law, for no individual can sue the state without legislative consent. The refusal of the consent of the legislature to allow that contract to be tested by her own referees—the courts—would be a disgrace, and our children would never live long enough to see the stain of repudiation removed."

"Often in my travels I have heard this repudiation among financial men commented upon as a shame. In confirmation of the fact that Col. Wailes paid these expenses of collection, and not the state, the lamented General Bullock, so well-known, told me in Washington of the large sums that had been paid out by Col. Wailes in this case, and of the many men he had employed in securing the evidence on which the claim was finally allowed. This matter has been discussed freely by the citizens of Florida and other states, and with rare exceptions have I heard anything but condemnation of this repudiation. These people may have old-fashioned ideas of dishonesty and repudiation, but they demand that this just claim be sent to the courts and settled."

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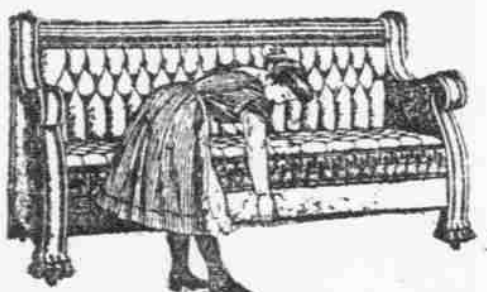
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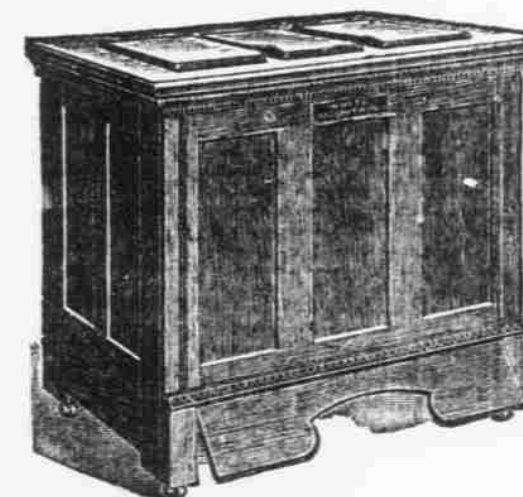


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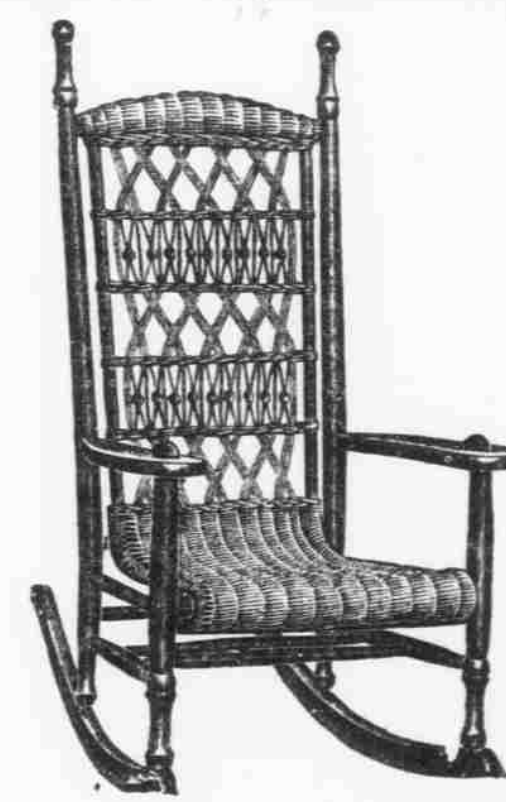
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